

117TH CONGRESS
1ST SESSION

H. R. 5508

To combat illegal deforestation by prohibiting the importation of products made wholly or in part of certain commodities produced on land undergoing illegal deforestation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2021

Mr. BLUMENAUER (for himself, Mr. FITZPATRICK, Ms. BARRAGÁN, Mr. CLEAVER, Mr. COHEN, Mr. GRIJALVA, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, Financial Services, Oversight and Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat illegal deforestation by prohibiting the importation of products made wholly or in part of certain commodities produced on land undergoing illegal deforestation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Fostering Overseas
3 Rule of law and Environmentally Sound Trade Act of
4 2021” or the “FOREST Act of 2021”.

5 SEC. 2. FINDINGS; SENSE OF CONGRESS.

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) According to the Food and Agriculture Or-
9 ganization of the United Nations, 31 percent of land
10 on earth is covered in forests, but that area is rap-
11 idly decreasing. An estimated 1,600,000 square
12 miles of forest has been converted to other land uses
13 since 1990, with 42,500 square miles converted an-
14 nually since 2010. Since the early 2000s, $\frac{2}{3}$ of glob-
15 al forest cover loss has occurred in the tropics and
16 subtropics.

17 (2) The expansion of commercial agriculture
18 into tropical forests is the largest driver of forest
19 conversion, led by cattle ranching and the cultivation
20 of soy and palm oil. An estimated 69 percent of such
21 conversion between 2013 and 2019 was carried out
22 in contravention of the laws of the country in which
23 the conversion occurred.

24 (3) Such illegal deforestation results in the
25 emission of more than 2.7 gigatons of carbon dioxide

1 equivalent per year, more than the entire annual fos-
2 sil fuel emissions of India in 2018.

3 (4) Limiting global temperatures below 1.5 de-
4 grees Celsius above preindustrialized levels requires
5 rapid and significant reductions in deforestation
6 globally. Cost-effective greenhouse gas emission miti-
7 gation from forests and land use can provide roughly
8 $\frac{1}{3}$ of the mitigation required by 2030 to stay below
9 2 degrees Celsius.

10 (5) Forests contain most of the world's terres-
11 trial biodiversity, providing habitats for 80 percent
12 of amphibian species, 75 percent of bird species, 68
13 percent of mammal species, and 60,000 different
14 species of trees.

15 (6) Forests are also an important source of live-
16 lihoods, food, and fuel, with more than
17 1,600,000,000 people depending directly on forests
18 for their livelihoods.

19 (7) The Intergovernmental Science-Policy Plat-
20 form on Biodiversity and Ecosystem Services found
21 in 2019 that the rate of global species extinction is
22 accelerating and is now tens to hundreds of times
23 higher than the average rate over the last
24 10,000,000 years, threatening the loss of 1,000,000

1 species, and land-use change is the direct driver with
2 the largest relative impact on terrestrial ecosystems.

3 (8) Deforestation in many countries is closely
4 associated with violations of the rights of indigenous
5 peoples and local communities and with the exploi-
6 tation of workers, including through the use forced
7 labor and child labor, and in many cases is enabled
8 by corruption, criminality, and violence against indi-
9 viduals defending their land rights and environment.

10 (9) According to the United Nations High Com-
11 missioner for Human Rights, individuals defending
12 the rights of communities and indigenous peoples to
13 their traditional lands and environment are particu-
14 larly vulnerable to threats and violence and ac-
15 counted for roughly half of the killings of human
16 rights defenders documented in 2019.

17 (10) Congress has taken a number of steps to
18 address the trade in illegal timber to protect legiti-
19 mate forestry businesses and reduce illegal logging
20 globally, such as, in section 8204 of the Food, Con-
21 servation, and Energy Act of 2008 (Public Law
22 110–246; 122 Stat. 2052), amending the Lacey Act
23 Amendments of 1981 (16 U.S.C. 3371 et seq.) to
24 prohibit the importation of illegal plant products, in-

1 cluding such products made from illegally logged
2 wood.

3 (11) As with illegal timber, agricultural com-
4 modities produced on illegally deforested land enter
5 international markets, including the United States,
6 and compete with commodities produced legally.

7 (12) The United States is a significant market
8 for products made wholly or in part of commodities
9 such as palm oil, cattle, cocoa, and rubber at risk of
10 being produced on illegally deforested land. For ex-
11 ample, in 2020, the United States imported—

12 (A) processed cowhides and beef products
13 valued at more than \$500,000,000 from Brazil,
14 where cattle ranching is the largest driver of
15 deforestation in the Amazon forest and other
16 biomes, and an estimated 95 percent of all de-
17 forestation was not in full compliance with ap-
18 plicable laws; and

19 (B) crude palm oil and palm kernel oil val-
20 ued at more than \$880,000,000 and oleochemi-
21 cals commonly derived from palm oils valued at
22 more than \$390,000,000, from Indonesia,
23 where the expansion of palm oil plantations is
24 the largest driver of deforestation, and govern-
25 ment audits of the sector in recent years have

1 indicated widespread noncompliance with appli-
2 cable laws.

3 (13) The lack of traceability in the supply
4 chains for such commodities and the absence of im-
5 porter due diligence requirements increases the risk
6 that United States trade is associated with illegal
7 deforestation and human rights abuses, preventing
8 United States consumers from knowing where or
9 how the goods they purchase were produced and
10 putting companies that ensure legal sourcing at a
11 competitive disadvantage.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the United States must do more to address ille-
14 gal deforestation from agricultural commodities, includ-
15 ing—

16 (1) avoiding trade that incentivizes foreign gov-
17 ernments to allow illegal deforestation;

18 (2) assisting foreign governments in eliminating
19 illegal deforestation and limiting all deforestation to
20 the extent practicable;

21 (3) requiring that goods entering the United
22 States market be subject to requirements, including
23 the necessary supply chain traceability, to reduce the
24 risk of association with illegal deforestation;

1 (4) preventing the United States financial sys-
2 tem from being used to launder proceeds from illegal
3 deforestation; and

4 (5) providing incentives to suppliers of the Fed-
5 eral Government to adopt and implement policies to
6 eliminate goods produced on or from deforested land
7 from their supply chains.

8 **SEC. 3. PROHIBITION ON IMPORTATION OF COMMODITIES**

9 **PRODUCED ON ILLEGALLY DEFORESTED**
10 **LAND AND PRODUCTS MADE FROM SUCH**
11 **COMMODITIES.**

12 (a) IN GENERAL.—The Tariff Act of 1930 is amend-
13 ed by inserting after section 527 (19 U.S.C. 1527) the
14 following:

15 **“SEC. 527A. PROHIBITION ON IMPORTATION OF PRODUCTS**
16 **MADE WHOLLY OR IN PART OF COMMODITIES**
17 **PRODUCED ON ILLEGALLY DEFORESTED**
18 **LAND.**

19 “(a) IN GENERAL.—It shall be unlawful for any per-
20 son to import any product made wholly or in part of a
21 covered commodity produced from land that undergoes il-
22 legal deforestation on or after the date of the enactment
23 of the FOREST Act of 2021.

24 “(b) IMPORT DECLARATIONS.—

1 “(1) IN GENERAL.—On and after the date that
2 is one year after the date of the enactment of the
3 FOREST Act of 2021, and subject to paragraph
4 (2), a person may not import a covered product un-
5 less the person files upon entry a declaration stating
6 that the person has exercised reasonable care to as-
7 sess and mitigate the risks that any covered com-
8 modity used to make the covered product was pro-
9 duced from land subject to illegal deforestation on or
10 after such date of enactment.

11 “(2) COVERED COMMODITIES FROM COUNTRIES
12 UNDER AN ACTION PLAN.—On and after the date
13 that is one year after an action plan applicable to a
14 foreign country is finalized under subsection (d)(2),
15 a person may not import a covered product con-
16 taining any covered commodity produced in the
17 country and identified in the action plan unless the
18 person files upon entry a declaration that includes
19 sufficient information to show—

20 “(A)(i) the supply chain and the point of
21 origin of the covered commodity; and

22 “(ii) steps taken to assess and mitigate the
23 risks that the point of origin was subject to ille-
24 gal deforestation on or after the date of the en-
25 actment of the FOREST Act of 2021; or

1 “(B)(i) all possible points of origin that
2 could have contributed to the supply chain of
3 the covered commodity, if mixing or points of
4 aggregation exist within the supply chain; and

5 “(ii) steps taken to assess and mitigate the
6 risks that any possible points of origin were
7 subject to illegal deforestation on or after such
8 date of enactment.

9 “(3) TREATMENT OF PRODUCTS SUBJECT TO
10 MULTIPLE IMPORT DECLARATION REQUIREMENTS.—

11 In the case of a product for which an import dec-
12 laration is required by this subsection and section
13 3(f) of the Lacey Act Amendments of 1981 (16
14 U.S.C. 3372(f)), U.S. Customs and Border Protec-
15 tion and the Animal and Plant Health Inspection
16 Service shall coordinate to limit the administrative
17 burden, to the extent practicable, for importers.

18 “(4) GUIDANCE.—Not later than 90 days after
19 the date of the FOREST Act of 2021, and as appro-
20 priate thereafter, the Commissioner of U.S. Customs
21 and Border Protection (in this section referred to as
22 the ‘Commissioner’)—

23 “(A) shall publish guidance on what con-
24 stitutes reasonable care under paragraph (1)
25 and sufficient information under paragraph (2),

1 which may include guidance with respect to spe-
2 cific commodities, as appropriate; and

3 “(B) may, as appropriate, issue guidance
4 about the potential role of third-party certifi-
5 cations assisting importers with meeting the re-
6 quirements of this section.

7 “(c) LISTS OF COVERED COMMODITIES AND Cov-
8 ERED PRODUCTS.—

9 “(1) INITIAL LISTS.—Not later than 30 days
10 after the date of the enactment of the FOREST Act
11 of 2021, the United States Trade Representative (in
12 this section referred to as the ‘Trade Representa-
13 tive’) shall publish the following:

14 “(A) An initial list made up of the fol-
15 lowing commodities (in this section referred to
16 as ‘covered commodities’):

17 “(i) Palm oil.

18 “(ii) Soybeans.

19 “(iii) Cocoa.

20 “(iv) Cattle.

21 “(v) Rubber.

22 “(vi) Wood pulp.

23 “(B) An initial list of made up of the fol-
24 lowing products made wholly or in part of a

1 covered commodity (in this section referred to
 2 as ‘covered products’):

3 “(i) Palm oil or palm oil products
 4 classifiable under any of the following
 5 headings or subheadings of the HTS:

“1511	2905.17.00	3823.11.00
1513.21.00	2905.45.00	3823.12.00
1513.29.00	2915.70.01	3823.19
2306.60.00	2915.90	3823.70.

6 “(ii) Soybeans or soybean products
 7 classifiable under heading 1201 or 1507 or
 8 subheading 2304.00.00 of the HTS.

9 “(iii) Cocoa or cocoa products classifi-
 10 able under heading 1803 or 1806 or sub-
 11 heading 1801.00.00, 1802.00.00,
 12 1804.00.00, or 1805.00.00 of the HTS.

13 “(iv) Cattle or cattle products classifi-
 14 able under any of the following headings or
 15 subheadings of the HTS:

“0201	0206.21.00	1602.50
0202	0206.22.00	4104
0206.10.00	0206.29.00	4107.

16 “(v) Rubber or rubber products classi-
 17 fiable under heading 4001 or 4011 of the
 18 HTS.

19 “(vi) Pulp or pulp products classifi-
 20 able under any of the following headings or
 21 subheadings of the HTS:

“4703	4804	4818
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4801.00.01	4805	4819
4802	4810	4820
4803.00	4811	4823.

1 “(2) REVIEWS AND UPDATES.—

2 “(A) IN GENERAL.—Not less frequently
3 than annually, the Trade Representative shall—

4 “(i) review the list of covered com-
5 modities published under subparagraph
6 (A) of paragraph (1) and the list of cov-
7 ered products published under subpara-
8 graph (B) of that paragraph to assess
9 whether covered commodities or covered
10 products, as the case may be, should be
11 added to or removed from the lists to en-
12 sure that the scope of the lists is sufficient
13 to increasingly deter illegal deforestation
14 and to ensure that no material amount of
15 a commodity produced from illegally
16 deforested land enters the United States;
17 and

18 “(ii) publish updated lists based on
19 that review.

20 “(B) EFFECT ON IMPORT DECLARA-
21 TIONS.—Any addition under subparagraph (A)
22 to the list of covered products under paragraph
23 (1)(B) shall be subject to the declaration re-
24 quirement under subsection (b) on and after the

1 date that is one year after the updated list in-
2 cluding the addition is published.

3 “(3) SOLICITATION OF INPUT.—In updating the
4 lists under paragraph (1) as required by paragraph
5 (2), the Trade Representative shall—

6 “(A) consult with the Secretary of State
7 and the Administrator of the United States
8 Agency for International Development; and

9 “(B) coordinate and solicit relevant infor-
10 mation from—

11 “(i) the interagency working group es-
12 tablished under subsection (f);

13 “(ii) the advisory committee estab-
14 lished under subsection (g);

15 “(iii) other Federal, State, and local
16 agencies in the United States; and

17 “(iv) the public.

18 “(d) ACTION PLANS FOR COUNTRIES WITHOUT ADE-
19 QUATE AND EFFECTIVE PROTECTION AGAINST ILLEGAL
20 DEFORESTATION.—

21 “(1) IDENTIFICATION OF COUNTRIES.—

22 “(A) IN GENERAL.—Not later than 180
23 days after the date of the enactment of the
24 FOREST Act of 2021, the Trade Representa-
25 tive shall—

1 “(i) identify foreign countries without
2 adequate and effective protection against
3 illegal deforestation caused by the produc-
4 tion of commodities likely to enter the
5 United States; and

6 “(ii) make available to the public—

7 “(I) a list of the countries identi-
8 fied under clause (i); and

9 “(II) data and analysis related to
10 the considerations described in sub-
11 paragraph (B).

12 “(B) CONSIDERATIONS.—In identifying a
13 foreign country under subparagraph (A), the
14 Trade Representative shall consider—

15 “(i) trends of deforestation and illegal
16 deforestation in that country;

17 “(ii) policies and practices of the gov-
18 ernment of the country that deny adequate
19 and effective enforcement against illegal
20 deforestation;

21 “(iii) trends in the capacity and effec-
22 tiveness of enforcement against illegal de-
23 forestation by the country; and

24 “(iv) the incidence of violence against,
25 and other violations of the rights of, indig-

1 enous peoples, local residents, and environmental
2 and human rights defenders in the
3 country in connection with illegal deforestation.
4

5 “(C) REASSESSMENT.—Not less frequently
6 than every 2 years, the Trade Representative
7 shall assess whether additional foreign countries
8 should be identified under subparagraph (A).

9 “(2) ACTION PLANS.—

10 “(A) IN GENERAL.—Not later than 3 years
11 after the date of the enactment of the FOREST
12 Act of 2021, the Trade Representative shall final-
13 ize an action plan with respect to each for-
14 eign country identified under paragraph (1).

15 “(B) FINALITY.—An action plan developed
16 under subparagraph (A) shall be considered
17 final for the purposes of subsection (b)(2) on
18 the date on which the action plan is posted on
19 a publicly accessible internet website of the Of-
20 fice of the United States Trade Representative.

21 “(C) INVOLVEMENT OF FOREIGN COUNTRY
22 AND PUBLIC.—The Trade Representative
23 shall—

24 “(i) seek to involve each foreign coun-
25 try for which the Trade Representative de-

1 velops an action plan under subparagraph
2 (A) in the development of the action plan
3 for that foreign country; and

4 “(ii) release a draft of each action
5 plan for public review and comment before
6 finalizing the action plan.

7 “(D) GOALS OF ACTION PLANS.—The
8 Trade Representative shall design an action
9 plan developed under subparagraph (A) with re-
10 spect to a foreign country to achieve—

11 “(i) new laws, rules, enforcement pro-
12 cedures, or agreements to ensure that ille-
13 gal deforestation is no longer occurring in
14 the country;

15 “(ii) sufficient capacity to enforce rel-
16 evant laws;

17 “(iii) processes to remedy or adju-
18 dicate previous illegal deforestation activi-
19 ties;

20 “(iv) comprehensive monitoring and
21 data sharing related to deforestation and
22 potential impacts to other ecosystems;

23 “(v) transparency and accessibility of
24 information with respect to land tenure
25 and land-use decisions;

1 “(vi) traceability, transparency, and
2 data sharing for commodity supply chains;
3 and

4 “(vii) in the case of a country that is
5 a party to the decision of the 21st Con-
6 ference of Parties of the United Nations
7 Framework Convention on Climate Change
8 adopted in Paris December 12, 2015 (com-
9 monly known as the ‘Paris Agreement’),
10 the incorporation of—

11 “(I) forest protection into the
12 country’s nationally determined con-
13 tribution under the Paris Agreement;
14 and

15 “(II) deforestation into the coun-
16 try’s greenhouse gas reporting as re-
17 quired by the Paris Agreement.

18 “(E) BENCHMARKS.—

19 “(i) IN GENERAL.—The Trade Rep-
20 resentative shall include in each action
21 plan developed under subparagraph (A) in-
22 termediate and final benchmarks described
23 in clause (ii) and a timeline for achieving
24 those benchmarks.

1 “(ii) BENCHMARKS DESCRIBED.—

2 Benchmarks described in this clause may
3 be such legislative, institutional, enforcement,
4 or other actions as the Trade Rep-
5 resentative determines to be necessary to
6 demonstrate that the foreign country has
7 achieved the goals described in subparagraph
8 (D).

9 “(F) IDENTIFICATION OF COVERED COM-
10 MODITIES.—The Trade Representative shall
11 identify in the action plan developed under sub-
12 paragraph (A) with respect to a foreign country
13 the specific covered commodities at risk of
14 being produced on illegally deforested land in
15 that country that shall be subject to the dec-
16 laration requirement under subsection (b)(2).

17 “(3) PRESIDENTIAL ACTION AUTHORIZED.—On
18 and after the date on which an action plan released
19 to the public under paragraph (2)(A) with respect to
20 a foreign country has been in place for one year, if
21 the President determines that the country has not
22 substantially complied with the benchmarks in the
23 action plan, the President may take appropriate ac-
24 tion with respect to the country.

1 “(4) PETITIONS FOR DETERMINATION OF COM-
2 PLIANCE.—

3 “(A) IN GENERAL.—A foreign country to
4 which an action plan developed under para-
5 graph (2)(A) applies may petition the Trade
6 Representative to determine that the country
7 has achieved all benchmarks in the action plan.

8 “(B) DETERMINATION OF ADEQUACY AND
9 EFFECTIVENESS OF PROTECTION.—

10 “(i) IN GENERAL.—If the Trade Rep-
11 resentative determines under subparagraph
12 (A) that a foreign country to which an ac-
13 tion plan developed under paragraph
14 (2)(A) applies has achieved all benchmarks
15 in the action plan, the Trade Representa-
16 tive shall determine whether that country,
17 after achieving those benchmarks, provides
18 adequate and effective protection against
19 illegal deforestation.

20 “(ii) COUNTRIES THAT FAIL TO PRO-
21 VIDE ADEQUATE AND EFFECTIVE PROTEC-
22 TION AGAINST ILLEGAL DEFOREST-
23 ATION.—If the Trade Representative deter-
24 mines under clause (i) that a foreign coun-
25 try described in that clause continues to

1 fail to provide adequate and effective pro-
2 tection against illegal deforestation, the
3 Trade Representative shall develop a new
4 action plan under paragraph (2)(A) with
5 respect to the country.

6 “(iii) COUNTRIES THAT PROVIDE ADE-
7 QUATE AND EFFECTIVE PROTECTION
8 AGAINST ILLEGAL DEFORESTATION.—If
9 the Trade Representative determines under
10 clause (i) that a foreign country described
11 in that clause provides adequate and effec-
12 tive protection against illegal deforestation,
13 the action plan developed under paragraph
14 (2)(A) with respect to the country shall
15 terminate.

16 “(5) CONSULTATIONS.—In identifying foreign
17 countries under paragraph (1), developing action
18 plans under paragraph (2), and making determina-
19 tions under paragraph (4), the Trade Representative
20 shall—

21 “(A) consult with the Secretary of State
22 and the Administrator of the United States
23 Agency for International Development; and
24 “(B) coordinate and solicit relevant infor-
25 mation from—

1 “(i) the interagency working group es-
2 tablished under subsection (f);
3 “(ii) the advisory committee estab-
4 lished under subsection (g);
5 “(iii) relevant committees of Congress;
6 “(iv) other Federal, State, or local
7 agencies in the United States;
8 “(v) civil society, indigenous peoples,
9 and local communities in countries that
10 produce covered commodities and covered
11 products; and
12 “(vi) the public.

13 “(e) ENFORCEMENT.—

14 “(1) ADMINISTRATION.—

15 “(A) IN GENERAL.—The provisions of this
16 section and any regulations issued under this
17 section shall be enforced, as appropriate, by the
18 Commissioner, the Secretary of Agriculture, the
19 Secretary of the Interior, and the Attorney
20 General.

21 “(B) AUDITS.—The Administrator of the
22 Animal and Plant Health Inspection Service, in
23 collaboration with the heads of other Federal
24 agencies, shall conduct random audits of im-
25 porters filing declarations under subsection

1 (b)(1) to ensure such importers are retaining
2 the supporting documentation demonstrating
3 reasonable care was exercised as required by
4 that subsection.

5 “(C) AGREEMENTS.—An official specified
6 in subparagraph (A) may enter into an agree-
7 ment with any other Federal agency or any
8 State agency or Indian Tribe under which that
9 official may use, with or without reimburse-
10 ment, the personnel, services, and facilities of
11 the agency or Indian Tribe for the enforcement
12 of this section and regulations issued under this
13 section.

14 “(D) AVAILABILITY OF INFORMATION.—
15 Not later than one year after the date of the
16 enactment of the FOREST Act of 2021, the
17 Commissioner shall develop a process to make
18 information filed with a declaration required by
19 subsection (b)(2) (other than information con-
20 sidered to be confidential business information)
21 available to the public.

22 “(2) COORDINATION OF ENFORCEMENT.—The
23 Commissioner shall share declarations filed under
24 subsection (b) and other information received by
25 U.S. Customs and Border Protection with the Trade

1 Representative, the Secretary of Agriculture, the
2 Secretary of the Interior, the Attorney General, and
3 the heads of other Federal agencies as needed to en-
4 sure effective enforcement of this section.

5 “(3) INFORMATION FROM OUTSIDE SOURCES.—
6 Not later than 180 days after the date of the enact-
7 ment of the FOREST Act of 2021, the Commis-
8 sioner shall establish a process for receiving informa-
9 tion from persons outside U.S. Customs and Border
10 Protection indicating that a covered commodity may
11 be being imported in violation of this section.

12 “(4) REPORT REQUIRED.—Not later than 2
13 years after the date of the enactment of the FOR-
14 EST Act of 2021, and annually thereafter, the Com-
15 missioner, with input from the heads of relevant
16 Federal agencies, shall submit to Congress a report
17 on the enforcement of this section that includes, for
18 the year preceding submission of the report—

19 “(A) the number of audits conducted by
20 Federal agencies of importers of record to de-
21 tect potential violations of this section;

22 “(B) the number of instances in which in-
23 formation was submitted to the Commissioner
24 under paragraph (3);

1 “(C) the number of investigations initiated
2 into possible violations of this section;

3 “(D) the number of such investigations ini-
4 tiated based on information submitted to the
5 Commissioner under paragraph (3);

6 “(E) the results of cases adjudicated fol-
7 lowing such an investigation;

8 “(F) the number of such investigations
9 pending as of the date of the report; and

10 “(G) an explanation of how information
11 submitted to the Commissioner under para-
12 graph (3) was used to prioritize audits and
13 other checks.

14 “(f) INTERAGENCY WORKING GROUP.—

15 “(1) IN GENERAL.—There is established an
16 interagency working group to provide advice and rec-
17 ommendations to the Trade Representative, the
18 Commissioner, and the heads of other relevant Fed-
19 eral agencies on the implementation of this section.

20 “(2) MEMBERSHIP.—The interagency working
21 group established under paragraph (1) shall be com-
22 posed of representatives of—

23 “(A) the Department of State;

24 “(B) the Department of Agriculture;

25 “(C) U.S. Customs and Border Protection;

1 “(D) the Office of the United States Trade
2 Representative;

3 “(E) the United States Agency for Inter-
4 national Development;

5 “(F) the Department of the Interior;

6 “(G) the Department of Justice; and

7 “(H) such other Federal agencies as the
8 Trade Representative considers appropriate.

9 “(3) CHAIRPERSON.—The representative of the
10 Office of the United States Trade Representative
11 shall serve as the chairperson of the interagency
12 working group established under paragraph (1).

13 “(g) ADVISORY COMMITTEE.—

14 “(1) IN GENERAL.—The Trade Representative
15 shall establish an advisory committee to provide ad-
16 vice and recommendations to the Trade Representa-
17 tive and the heads of other relevant Federal agencies
18 on the implementation of this section.

19 “(2) MEMBERSHIP.—The advisory committee
20 established under paragraph (1) shall be made up of
21 12 individuals—

22 “(A) five of whom shall be representatives
23 of institutions of higher education or non-
24 governmental organizations with expertise rel-

1 event to international deforestation, associated
2 human rights abuses, or trade;

3 “(B) five of whom shall be representatives
4 of industry; and

5 “(C) two of whom shall be representatives
6 of labor organizations.

7 “(h) DEFINITIONS.—In this section:

8 “(1) DEFORESTATION.—The term ‘deforestation’ means a loss of natural forest resulting from
9 the whole or partial conversion of natural forest to—

10 “(A) agricultural use or another non-forest
11 land use; or

12 “(B) a tree plantation.

13 “(2) HTS.—The term ‘HTS’ means the Harmonized Tariff Schedule of the United States.

14 “(3) ILLEGAL DEFORESTATION.—The term ‘illegal deforestation’ means deforestation conducted in
15 violation of the law (or any action that has the force
16 and effect of law) of the country in which the deforestation is occurring, including—

17 “(A) anti-corruption laws;

18 “(B) laws relating to land tenure rights;
19 and

1 “(C) laws relating to the free, prior, and
2 informed consent of indigenous peoples and
3 local communities.

4 “(4) INDIAN TRIBE.—The term ‘Indian Tribe’
5 has the meaning given the term ‘Indian tribe’ in sec-
6 tion 4 of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 5304).

8 “(5) NATURAL FOREST.—The term ‘natural
9 forest’ means a natural arboreal ecosystem that—

10 “(A) has a species composition a signifi-
11 cant percentage of which is native species; and

12 “(B) includes—

13 “(i) a native tree canopy cover of
14 more than 10 percent over an area of not
15 less 0.5 hectares; or

16 “(ii) other wooded land with a com-
17 bined cover of shrubs, bushes, and trees of
18 more than 10 percent over an area of not
19 less than 0.5 hectares.

20 “(6) POINT OF ORIGIN.—

21 “(A) IN GENERAL.—The term ‘point of or-
22 igin’, with respect to a covered commodity,
23 means the geographical location, identified by
24 the smallest administrative unit of land possible
25 (such as a concession, farm, ranch, property, or

1 other type of public or private land allocation),
2 where the covered commodity was produced.

3 “(B) APPLICATION TO LIVESTOCK.—In the
4 case of livestock, the term ‘point of origin’ in-
5 cludes all geographic locations where that ani-
6 mal existed from birth to slaughter.

7 “(7) PRODUCE.—

8 “(A) IN GENERAL.—Except as provided by
9 subparagraph (B), the term ‘produce’ means
10 growing, harvesting, rearing, collecting, extract-
11 ing, or otherwise producing a commodity.

12 “(B) EXCLUSION.—The term ‘produce’
13 does not include refining or manufacturing.

14 “(8) SUPPLY CHAIN.—The term ‘supply chain’
15 means the end-to-end process for getting commod-
16 ties or products to the United States, beginning at
17 the point of origin and including all points until
18 entry into the United States, including refiners,
19 manufacturers, suppliers, distributors, or vendors.

20 “(9) WHOLLY OR IN PART.—

21 “(A) IN GENERAL.—The term ‘wholly or in
22 part’ shall have the meaning given that term in
23 regulations.

24 “(B) REGULATIONS.—Regulations pre-
25 scribed under subsection (b) of the FOREST

1 Act of 2021 shall define the term ‘wholly or in
2 part’ in a manner designed to limit the admin-
3 istrative burden on the importer of record while
4 deterring illegal deforestation.”.

5 (b) REGULATIONS.—Not later than one year after the
6 date of the enactment of this Act, the Commissioner of
7 U.S. Customs and Border Protection and the United
8 States Trade Representative shall publish final regulations
9 for implementing section 527A of the Tariff Act of 1930,
10 as added by subsection (a).

11 SEC. 4. FOREIGN ASSISTANCE FOR COUNTRIES COMMIT-
12 TED TO ELIMINATING DEFORESTATION.

13 (a) STATEMENT OF POLICY.—It is the policy of the
14 United States to assist foreign governments in eliminating
15 illegal deforestation and to limit all deforestation to the
16 extent practicable.

17 (b) ESTABLISHMENT OF FUND.—

22 (2) DEPOSITS TO THE FUND.—There are au-
23 thorized to be appropriated, and there are appro-
24 priated, to the fund established under paragraph (1)
25 for fiscal year 2022 and each fiscal year thereafter

1 an amount equivalent to the amount of penalties es-
2 timated by the Secretary of the Treasury to be col-
3 lected under section 527A(e) of the Tariff Act of
4 1930, as added by section 3, in that fiscal year.

5 (3) ADDITIONAL AUTHORIZATION OF APPROP-
6 PRIATIONS.—In addition to amounts authorized to
7 be appropriated under paragraph (2), there are au-
8 thorized to be appropriated to the fund established
9 under paragraph (1) \$30,000,000 to carry out this
10 section.

11 (4) AVAILABILITY OF FUNDS.—Amounts in the
12 fund established under paragraph (1) shall be avail-
13 able as follows:

14 (A) \$20,000,000 shall be available to the
15 Secretary of State—

16 (i) to provide financial and technical
17 assistance and other resources to the gov-
18 ernments of countries and implementing
19 partners that are working to complete the
20 benchmarks in action plans developed
21 under section 527A(d) of the Tariff Act of
22 1930, as added by section 3;
23 (ii) to provide assistance for inter-
24 national efforts to combat deforestation;

(iii) to provide assistance to civil society, indigenous peoples, and local residents in foreign countries to engage in efforts to combat deforestation; and

(iv) to be transferred, notwithstanding section 3302 of title 31, United States Code, to the Administrator of the United States Agency for International Development and the heads of other appropriate Federal agencies to provide assistance under clauses (i), (ii), and (iii).

(B) \$8,000,000 shall be available to the Commissioner of U.S. Customs and Border Protection—

(i) to carry out the duties of the Commissioner under section 527A of the Tariff Act of 1930, as added by section 3; and

(ii) to be transferred, notwithstanding section 3302 of title 31, United States Code, to the Secretary of Agriculture and the Secretary of the Interior for monitoring, audits, enforcement, and other duties assigned under such section 527A.

(C) \$3,000,000 shall be available to the United States Trade Representative to carry

1 out the duties of the Trade Representative
2 under such section 527A.

3 (c) DEFINITIONS.—In this section, the terms “defor-
4 estation” and “illegal deforestation” have the meanings
5 given those terms in section 527A(h) of the Tariff Act
6 of 1930, as added by section 3.

7 **SEC. 5. INCLUSION OF ILLEGAL DEFORESTATION AS SPECI-
8 FIED UNLAWFUL ACTIVITY.**

9 Section 1956(c)(7)(B) of title 18, United States
10 Code, is amended—

11 (1) in clause (vi), by striking “; or” and insert-
12 ing a semicolon;

13 (2) in clause (vii), by striking the semicolon and
14 inserting “; or”; and

15 (3) by adding at the end the following:

16 “(viii) any act, engaged in knowingly,
17 to carry out, enable, or encourage illegal
18 deforestation (as defined in section
19 527A(h) of the Tariff Act of 1930).”.

20 **SEC. 6. PROCUREMENT PREFERENCE FOR COMMODITIES
21 NOT PRODUCED FROM LAND SUBJECT TO DE-
22 FORESTATION.**

23 (a) IN GENERAL.—Chapter 47 of title 41, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 4715. Procurement preference for commodities not**
2 **produced from land subject to deforestation”**
3

4 “(a) IN GENERAL.—In comparing proposals for the
5 purpose of awarding a contract involving any product
6 made wholly or in part of a covered commodity (as defined
7 by section 1527A(c) of the Tariff Act of 1930), the head
8 of an executive agency shall reduce the bid price by 10
9 percent if the contractor demonstrates to the satisfaction
10 of the head of the agency that—

11 “(1) the contractor has a policy described in
12 subsection (b) in effect; and

13 “(2) the policy and data on monitoring and en-
14 forcement of that policy are publicly available and
15 updated not less frequently than annually.

16 “(b) POLICY DESCRIBED.—A policy described in this
17 subsection is a policy that includes, at a minimum, the
18 following:

19 “(1) Measures to identify the point-of-origin of
20 forest-risk commodities and ensure compliance with
21 the policy when supply chain risks are present.

22 “(2) Data detailing the complete list of direct
23 and indirect suppliers and supply chain traceability
24 information, including refineries, processing plants,
25 farms, and plantations, and their respective owners,
26 parent entities, and farmers, maps, and geolocations,

1 for each forest-risk commodity found in products
2 that may be furnished to the Federal Government.

3 “(3) Measures taken to ensure that each such
4 commodity does not contribute to deforestation.

5 “(4) Measures taken to ensure the process of
6 obtaining the free, prior, and informed consent of in-
7 digenous peoples and local communities directly af-
8 fected by the production of such commodities.

9 “(5) Measures taken to protect biodiversity and
10 prevent the poaching of wildlife and trade in
11 bushmeat in all operations and areas adjacent to the
12 production of such commodities.

13 “(6) Measures taken to ensure compliance with
14 the laws of countries where forest-risk commodities
15 in the supply chain of the contractor are produced.

16 “(c) BUY AMERICAN REQUIREMENTS.—Subsection
17 (a) does not affect the application of the requirements of
18 chapter 83 of title 41, United States Code.

19 “(d) DEFINITIONS.—In this section:

20 “(1) DEFORESTATION; PRODUCE.—The terms
21 ‘deforestation’ and ‘produce’ have the meanings
22 given those terms in section 527A(h) of the Tariff
23 Act of 1930.

24 “(2) FOREST-RISK COMMODITY.—The term
25 ‘forest-risk commodity’ means a commodity at risk

1 of being produced from land subject to deforest-
2 ation.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for such chapter is amended by inserting after the item
5 relating to section 4714 the following:

“4715. Procurement preference for commodities not produced from land subject
to deforestation.”.

